

Felicia A. Moore
**AN ORDINANCE AND CHARTER AMENDMENT
BY COUNCILMEMBER FELICIA A. MOORE**

09-0-1920

AN ORDINANCE AND CHARTER AMENDMENT ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965 (GA. LAWS 1965, p. 298, ET SEQ.) AS AMENDED, TO AMEND SECTION 2-403, ENTITLED "SUBMISSION TO MAYOR; MAYOR'S VETO" OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA. LAWS 1996, P. 4469, ET SEQ.) APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO PROVIDE THAT IF THE MAYOR VETOES ANY ORDINANCE OR RESOLUTION ADOPTED AT THE LAST COUNCIL MEETING IN DECEMBER OF A GENERAL ELECTION YEAR, THE COUNCIL SHALL CALL A SPECIAL MEETING PRIOR TO DECEMBER 31 OF THAT YEAR, TO CONSIDER ANY SUCH VETOED LEGISLATION; TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS; AND FOR OTHER PURPOSES.

WHEREAS, Section 2-403 of the Charter of the City of Atlanta does not contemplate the situation concerning a sitting council's consideration of vetoed legislation adopted at the last city council meeting of a term and which is vetoed by the mayor; and

WHEREAS, that sitting council should have the opportunity to consider any vetoed legislation prior to the end of the term; and

WHEREAS, and exception to Section 2-403 of the Charter should be made for the purpose of addressing such a possibility.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: Section 2-403 of the Charter of the City of Atlanta, which currently provides as follows:

Section 2-403. Submission to mayor; mayor's veto.

Every ordinance or resolution adopted by the council shall be signed by the president of the council, certified by the municipal clerk, and presented to the mayor's office within two calendar days following its adoption. The mayor shall approve or veto the ordinance or resolution within eight calendar days after adoption, and no ordinance or resolution shall become effective without the mayor's approval except as herein provided. If the mayor vetoes an ordinance or resolution,

he or she shall within two business days of such veto return it to the council via the municipal clerk, accompanied by a written statement of the reasons for the veto. If the council shall pass the ordinance or resolution by a vote of two-thirds of its total membership at the regular meeting next held after the ordinance or resolution has been returned with the mayor's veto, it shall become law without his or her approval. In the event the mayor does not approve or veto the ordinance or resolution within the time required, it shall become law without such approval. The mayor may veto any item or items of any ordinance or resolution making appropriations; the part or parts of any ordinance or resolution making an appropriation which is not vetoed shall become law, and the part or parts vetoed shall not become law unless passed by the council over the mayor's veto as provided herein with respect to the passage of a vetoed ordinance or resolution.

Is hereby amended by adding to the end of the fourth sentence thereof, the following language: **“provided however, that if the mayor vetoes any ordinance or resolution adopted at the last council meeting in December of a year in which the City of Atlanta general election is held, the council shall call a special meeting to be held prior to December 31 of that year, to consider any such vetoed legislation.”** so that when amended, said Charter section shall provide as follows:

Section 2-403. Submission to mayor; mayor's veto.

Every ordinance or resolution adopted by the council shall be signed by the president of the council, certified by the municipal clerk, and presented to the mayor's office within two calendar days following its adoption. The mayor shall approve or veto the ordinance or resolution within eight calendar days after adoption, and no ordinance or resolution shall become effective without the mayor's approval except as herein provided. If the mayor vetoes an ordinance or resolution, he or she shall within two business days of such veto return it to the council via the municipal clerk, accompanied by a written statement of the reasons for the veto. If the council shall pass the ordinance or resolution by a vote of two-thirds of its total membership at the regular meeting next held after the ordinance or resolution has been returned with the mayor's veto, it shall become law without his or her approval; **provided however, that if the mayor vetoes any ordinance or resolution adopted at the last council meeting in December of a year in which the City of Atlanta general election is held, the council shall call a special meeting to be held prior to December 31 of that year, to consider any such vetoed legislation.** In the event the mayor does not approve or veto the ordinance or resolution within the time required, it shall

become law without such approval. The mayor may veto any item or items of any ordinance or resolution making appropriations; the part or parts of any ordinance or resolution making an appropriation which is not vetoed shall become law, and the part or parts vetoed shall not become law unless passed by the council over the mayor's veto as provided herein with respect to the passage of a vetoed ordinance or resolution.

Section 2: A copy of this proposed amendment to the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, p.4469, et seq.), approved April 15, 1996, as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in the Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia", attached hereto as Exhibit "A" and by reference, made a part hereof, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption.

Section 3: All ordinances and charter amendments and parts of ordinances and charter amendments in conflict herewith are hereby repealed.

EXHIBIT "A"
NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF
THE CITY OF
ATLANTA, GEORGIA

Notice is hereby given that an ordinance has been introduced to amend the Charter of the City of Atlanta, Georgia captioned as follows:

AN ORDINANCE AND CHARTER AMENDMENT ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965 (GA. LAWS 1965, p. 298, ET SEQ.) AS AMENDED, TO AMEND SECTION 2-403, ENTITLED "SUBMISSION TO MAYOR; MAYOR'S VETO" OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA. LAWS 1996, P. 4469, ET SEQ.) APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO PROVIDE THAT IF THE MAYOR VETOES ANY ORDINANCE OR RESOLUTION ADOPTED AT THE LAST COUNCIL MEETING IN DECEMBER OF A GENERAL ELECTION YEAR, THE COUNCIL SHALL CALL A SPECIAL MEETING PRIOR TO DECEMBER 31 OF THAT YEAR, TO CONSIDER ANY SUCH VETOED LEGISLATION; TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS; AND FOR OTHER PURPOSES.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This _____ day of _____, 2009.

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta